

8 week date	Application No.	Date of meeting	Report No.
-----	1. GR/2010/0463 2. GR/2010/0464	23.06.10	

Land between the New A2 and the redundant A2 Watling Street from Pepper Hill Junction to the Marling Cross Junction, Gravesend

1. Application under Regulation 3 for the proposed external lighting of the core activity park, including the tarmac cycle track, BMX race track, multi use games area (MUGA) and skate park.

2. Application under Regulation 3 for the clarification of the usage of the Activity Park with particular reference to major events.

Kent County Council

Recommendation:

That the Borough Council raise NO OBJECTION but advises the Kent County Council that,

1. In respect of the application clarifying the usage of the Activity Park with particular reference to major events the Borough Council seeks further clarification at the intended number of major events and the number of days per year when such events will be held as the submitted proposals appear to suggest this may be significantly more than stated in the original planning application; and also it requests that the major event travel plan and traffic and parking management initiatives are implemented from the outset;

2. In respect of the application for external lighting of the core activity park the Borough Council would request that the proposed external lighting is properly installed in accordance with the manufacturers instructions to ensure that there is no stray light or glare to local residents or road users, that it is thereafter properly maintained at all times, that the need for any additional mitigation by way of planting or mounding is considered and implemented following installation and that the lighting is not subsequently altered or additional lighting installed without prior written permission.

1. Site Description

The A2 Activity Park which was granted planning permission subject to planning conditions by Kent County Council in September 2009 is located between the A2 junctions of Pepperhill and Marling Cross. The site is north of the new A2 carriageways and adjacent to the southern urban edge of Gravesend.

The site area of the A2 Activity Park is approximately 46 hectares (about 114 acres). The site comprises the areas of the former A2 that have been recently

landscaped by the Highways Agency (HA) and two parcels of agricultural land enclosed by the old and realigned A2 corridors. It is 5 kilometres long and at its widest next to Morrisons supermarket is 230m wide.

As a result of the Highways Agency A2 Improvement Scheme, the former A2 has been converted into a 3.5m wide combined cycle/footpath and separate equestrian route with mounding and landscaping. The area remains in legal terms a highway but without access for motor vehicles. The cycle/footpath also serves to access the numerous utilities that lie under the A2, primarily but not exclusively along the northern edge. Surplus spoil from the construction of the re-aligned A2 was used to create landscaped mounds through which the proposed HA cycle/footpath runs. This new landscape is planted with predominantly native trees and shrubs, and is to be maintained to a country park type standard. It is now in use by the public and is already proving very popular.

As part of the HA proposals there is no dedicated parking provision to support the existing A2 park. The park naturally has a long northern boundary with the urban edge of Gravesend and there has been some level of misuse especially by motorbikes. A linear park in the Marling Cross area was recreated to replace the area already lost to the new A2 and Infrastructure Maintenance Depot, and the land between the old and new A2 has been returned to agricultural use following completion of the A2 works.

Adjoining the Activity Park site, but not within it is the Tollgate Hotel/Europa Lodge site. This had a temporary permission as offices for Skanska, the contractors for the A2 widening scheme and still has an authorised use as a hotel. It is owned by the Secretary of State.

There are a number of different landowners including Kent County Council, Secretary of State for Transport, London and Continental Railways, The Earl of Mexborough and the Colyer Fergusson Trust.

The A2 corridor is within an Air Quality Management Area (AQMA) for NO₂. This was declared by this Council in 2004 along the alignment of the A2. The realignment of the A2 has moved the sources of emissions as much as some 250m to the south.

The site is crossed or joined by a number of existing public footpaths and bridleways. These are:

NU24 (Bridleway) at Downs Road, Northfleet Green
NU25/N20 (Public Footpath) at Coldharbour Road
NU22 (A2 widening created public footpath) at Watling Street
NS175A (A2 widening created public footpath) at Church Road, Ifield

There is also a number of existing access points which provide pedestrian access into the linear park. These include from Hall Road, at Pepper Hill, Hog Lane/Gainsborough Drive, the Tollgate, Watling Street and Church Lane/Hever Court Road.

There is no public vehicular access to the site.

There is an existing gated access for maintenance and services vehicles at the now redundant coast bound slip on to the old A2 at Tollgate. Vehicles would utilise the existing combined footway/cycleway. There are four other

access points for utility companies – a further access at Tollgate, an access at the far eastern end of the site providing access from Hever Court Road and two access points at the western end of the site at Downs Road.

The Highways Agency use separate gated access points at the eastern end of the site and at the western end of Downs Road for maintenance of highway lagoons.

The whole of the site abuts the southern edge of Gravesend where it, for the most part, interfaces with residential development. Other notable land uses adjacent to the site include Painters Ash Primary School, Morrisons Supermarket, Premier Inn Hotel and the George Public House and the Manor Hotel.

Immediately east of Morrisons and running towards Coldharbour Roundabout at Tollgate is a large area of open land with outline planning permission for commercial development as a business park.

The redundant coast bound slip on to the Old A2 at Tollgate still provides access to a number of residential properties in Wrotham Road and to the Tollgate petrol station (BP garage) which remains in use.

2. Planning History

Other Previous Planning History

There are a number of previous planning applications which relate to various parts of the activity park site that were submitted as separate packages under the CTRL Act. These include:

GR/1997/0403: Plans, specifications and construction arrangements of the Channel Tunnel Rail Link on land south of Pepper Hill to Wrotham Road, Tollgate, (Gravesham Package no. 3), permitted on 20 January 1998.

GR/1998/0046: Plans, specifications and construction arrangements of the Channel Tunnel Rail Link, Wrotham Road, Northfleet to Henhurst Road, Cobham, (Gravesham Package 4a).

GR/1998/0656: Plans, specifications and construction arrangements in relation to the Channel Tunnel Rail Link including the formation of a linear park and details relating to the Singlewell electrical feeder station at Land south of the A2 Watling Street, Cobham & north of the proposed alignment of the Channel Tunnel Rail Link between a point approximately 455m east of Wrotham Road, Northfleet and the Cobham Service Station (south), Watling Street, Cobham, Kent, (Gravesham Package no. 4c)

Other planning applications which are of some relevance are:

GR/2005/0486: This was an application for a certificate of alternative development on whether in the absence of the A2 widening scheme the site known as Kings Café would be granted permission to re-open as a roadside café or petrol filling station. It was determined on 24 August 2006 that a

certificate is not issued as permission for an expanded café or similar use or a petrol filling station would be unlikely to be given in this location.

GR/2005/1098: Planning permission was given on 4 October 2006 for change of use of land on 11 hectares (28 acres) of agricultural land west of Tollgate and between the lines of the old A2 and the new A2 for stockpiling of landscape materials for a temporary period. Details were approved in 2009 (GR/2009/0232) for restoration of the land back to agricultural use.

GR/2006/0765: This was an application for a certificate of appropriate alternative development submitted by the Valuation Office Agency in respect of use of land for agricultural purposes only in respect of various small parcels of land owned by Union Rail Property on land between Cobham and Pepper Hill. A certificate was issued on 25 September 2006.

GR/2006/0866: Planning permission was granted for a temporary change of use of the field adjacent to the Tollgate Hotel as a storage/stock compound in connection with the A2 road widening scheme. This was on 2.7 hectare (6.6 acres) of agricultural land. This was required to be reinstated upon completion of the A2 road works and this has now been carried out.

The A2 Activity Park Application

A planning application (20090440) by the Kent County Council for the A2 Activity Park scheme consisting of an outdoor Activity Park including car parking, pavilion and associated buildings, cycle tracks, footpaths, boundary treatments and landscaping on the A2 corridor and adjacent agricultural land was submitted to the Borough Council in May 2009 for comments.

The application indicated that the Activity Park would comprise

- A Core Activity Park located on the larger agricultural land parcel between Downs Road and Tollgate Junction available to all members of the community and would operate to appeal to all ages and abilities. The area would contain a pavilion, car park and the main activities (Tarmac tracks for bikes/athletics, BMX track, Mountain Bike trails, Skate Park, MUGA and children's play area) and would be secured by fencing.
- A Community Park on the remainder of the Activity Park open to all the community at all times and would include the footway/cycleway and its associated landscape created by the HA that stretches from the Pepperhill Junction to the Marling Cross Junction. It would also include the areas of land sandwiched between the old and new A2 corridors comprising the land referred to as the linear park that was created by HA and the parcel of agricultural land to the east of the Tollgate Hotel site. An equestrian trail would be maintained through the site but segregated from the park and cycling activities.

The pavilion building would include an equipment sales and hire shop, a community room, restaurant, multi purpose training and education space,

changing facilities and workshop/stores. The building was shown to be single storey and with a length of 81.2m and a width of 32.6m. A small maintenance building of 10m x 8m in size was also shown.

The application also indicated the provision of a car park east of the pavilion adjacent to the core activity park for 170 car parking spaces together with an overspill car park of 167 spaces, thus 337 parking spaces in total. A small satellite car park for 20 cars was shown as being provided towards the eastern end of the activity park in Church Street.

It was proposed that a single dedicated point of vehicular access to the proposed facility would be created. This access would be joined to the western side of the old A2 coast bound on-slip, which is currently used to access the Tollgate petrol station and residential properties, and forms the eastern arm of the A227 Wrotham Road/Coldharbour Road Roundabout. A priority junction would be constructed to join the access road to the old coast bound on-slip, with appropriate visibility splays. The access road would be 6m wide and would run westwards from the priority junction for approximately 200m, passing over the A227 Wrotham Road on the former A2 bridge, providing access to the main car park and pavilion.

The main Activity Park would be open 24 hours a day all year round for general recreational and leisure uses. However, the Core Activity Park would only be open for use between the hours of 7.00am and 10.00pm. The pavilion building and associated car parking would be open from 7.00am until 11.00pm. The additional hour in the evening would allow club meetings or classes for various activities to take place, and would enable users of the outdoor areas to shower and clear the site safely.

Entrance fees for the Activity Park would only be charged to those visitors using the facilities within the Core Activity Park, and that the café and social facilities of the wider park would be freely open to all. Car parking would also be subject to a charge, although the details were not known at the time of the application. However, it was expected that there would be a short term 'free' period to accommodate local users/dog walkers. There would also be a high long term charge to deter long term parking by non park users, and admission charges to the Core Activity Park would include parking costs to avoid users parking on local road. The park would, however, be non profit making but would need to be self maintaining.

The use of the site was indicated to be for predominately everyday recreational access and what the applicant termed a 'typical weekend event'. The applicant considered that a typical weekend event would occur approximately 40 times each year and would involve a 'non major event' being held on the cycle track or mountain bike track within the enclosed Core Activity Park, with average use of the other park facilities. It was anticipated that a 'typical weekend event' would attract approximately 424 visitors per day to the site, generating approximately 165 motor vehicle trips per day. The applicant also proposed to hold a limited number of 'major weekend events' at the site, which would involve mainly local, but sometimes regional, competitions. It was anticipated that a 'major weekend event' would attract approximately 1106 visitors per day to the site, generating approximately 455 motor vehicle trips per day.

It was not proposed to light the wider park outside of the Core Activity Area, however, the pavilion, car parks and access would be lit. Amenity lighting would

be provided around the pavilion and along the link to the activity area and the car park to provide safe passage for users of the facilities. The BMX area and Skate Park, as well as other facilities within the Core Activity Park would require lighting, details of which were not indicated in the application. However, the applicant advised that lighting would be designed to be appropriate for the facility/activity and would be in accordance with industry standards. All lighting would be of the flat glass variety to minimise light above the horizontal, thus avoiding light spillage and reducing the visual impact. This principle would also apply to the tarmac track, which as a training facility, would be treated as a standard road.

The application was accompanied by a Planning and Environmental Assessment Report, a Design and Access Statement, Transport Assessment, Flood Risk Assessment, Cultural Heritage Desk Based Assessment, Public Exhibition Report, Market Analysis & Initial Business Case Report and Ecological Scoping Survey Report.

The Borough Council was a consultee only and not the determining authority and the application was considered by the Regulatory Board at its meeting on 29 July 2009 following a pre-report site inspection by Board Members on 13 June 2009.

The Board resolved,

That whilst the Borough Council raises **NO OBJECTION** to the principle of extending the existing linear park the applicant is advised of the following concerns to the proposals:

1. The impact of the development as a whole on the openness of the Green Belt.
2. The lack of a clear justification for the location and scale of the development at this site and given the regional level of demand the absence of any analysis or assessment of other alternative locations for the development such as to give legitimacy to the proposals in a land use and planning policy context and in context and in particular why special circumstances exist for setting aside Green Belt policy.
3. That having regard to the scale of development within and adjoining the Green Belt that the development ought to be treated as a departure from Green Belt policy.
4. The proposals should not result in any detriment to the existing linear park cycle/footpath and bridleway and the benefits that have been gained as a result of the relocation of the A2.
5. That any more intensive use of the park beyond the current level of proposals would not be supported in either a land use or planning policy context.
6. The proposals will result in the loss of significant areas of best and most versatile land but there are a number of factors that weigh against their retention for continued agricultural use and as such would not justify an objection to the proposals solely for this reason.

7. There are concerns at the impact of the development in terms of noise, disturbance and lighting pollution. Whilst some of these matters can be addressed through planning conditions there are legitimate concerns at the extent of night time use and the proposed hours of use.
8. There are concerns at the impact from traffic both in terms of congestion and noise at major events that may be held and how this can be properly managed such as not to cause disturbance to local residents in the area.
9. There is a need for a full and robust security and maintenance strategy.
10. The richness of the archaeological resource in this locality will need to be fully investigated and recorded.
11. There is a need to reconsider the design and extent of the built form on the site both visually and in order not to impact on the existing linear park.
12. The materials for the car parking and access need to be reconsidered.
13. There is a need to consider how the impact of the security fencing can be reduced and softened.

It also requests that in the event of Kent County Council resolving to grant planning permission that certain conditions are imposed to control/regulate the following broad issues:-

1. Restriction on significant intensification of use of the park, controls on opening hours and a limitation on night time activity.
2. Restriction on the use of the building to prevent its use for functions/activities not related to the use of the activity park.
3. Details of boundary treatments to be submitted for approval.
4. Full lighting impact assessment to be submitted for approval.
5. No lighting of the existing linear park cycle/footpath or bridle path and no additional lighting to be added thereafter without approval.
6. Contamination assessment in accordance with the Council's standard condition to be submitted for approval.
7. Comprehensive construction code of practice covering all relevant environmental issues to be submitted for approval.
8. Report to be submitted on noise levels for approval.
9. Written assessment to be submitted if the proposals incorporate a wind turbine.
10. Details of sustainability measures to be employed in the construction of the development to be submitted for approval.
11. Agricultural soils to be protected during construction works.

12. Park access maintenance and security strategy to be submitted for approval and to be implemented before the park is first operational and thereafter fully adhered to.
13. The detailed design and layout shall include measures for habitat creation and encouraging biodiversity and the construction activities shall provide full protection to existing habitats and flora.
14. Archaeological mitigation strategy to be approved and watching brief to be undertaken during construction works.
15. Full details of the design, materials and finishes of the pavilion building and maintenance building to be submitted for approval.
16. An enhancement strategy for cycle routes leading to the linear park from the surrounding areas.

The application was considered by the Kent County Council at its Planning Committee on 18 August 2009. It was resolved to grant planning permission subject to 32 planning conditions and the decision was issued on 15 September 2009.

Many of the issues raised by the Borough Council would fully and properly considered and were addressed through the imposition of planning conditions.

A copy of the County Council's decision notice is appended to this report.

3. Proposal

Two specific planning applications have been submitted to Kent County Council for approval pursuant to the KCC planning conditions.

The applications have been submitted to the Borough Council as a consultee seeking the comments of this Council.

Details of Major Events

The first application (20100464) is for clarification of use of the activity park in respect of major events.

Condition 3 states that,

No major events shall be held until such time as a planning application for such events is submitted and approved by the County Planning Authority.

A major event is defined in condition 4 of the permission as,

A cycling event involving more than 100 participants and 50 spectators entering the core activity park on any one day.

The application indicates that the timing will be weekends/holiday periods; the frequency is stated as 22 times a year with different frequencies for different types of major event scenarios (major event/major event weekend, big weekend).

The hours of use are as per condition 28, namely the core activity park will be open 0700 to 2200 and the pavilion/parking 0700 to 2300 on every day.

The application is accompanied by a major event transport assessment. This concludes that all key junctions can operate within capacity for a major event and the car park design is sufficient to cope with parking accumulation.

The application also includes a Major Event Travel Plan and Parking Management Strategy.

Lighting of the Core Activity Park

The second application (20100463) is for approval to the lighting of the core activity park including cycle track, BMX track, MUGA and Skate Park.

In respect of the planning conditions imposed by the KCC in respect of lighting of the core activity park condition 8 states,

No external lighting within the Activity Park, including the Core Activity park, should be installed, other than external lighting/security lighting of the pavilion and car parking areas (details required pursuant to condition 7); the existing cycle/footpaths and/or bridle ways shall not be lit until such time as a planning application for such lighting is submitted to and permitted by the County Planning Authority.

Condition 7 requires details of the external lighting/security lighting to the pavilion and car parking areas to be submitted for approval and condition 9 indicates that all lighting on site except for security lighting to the pavilion and car park shall be extinguished by 10pm or 15 minutes after the last use of the facility whichever is the sooner.

The lighting proposals for the Core Activity Park are as follows:

In respect of the tarmac track the proposal is for 10m high columns at 27m centres with lighting at 140W giving lux levels of 22.5

In respect of the BMX track the proposal is for 8 columns at 15m high with luminaires at 2000W giving lux levels of 200.

In respect of the MUGA the proposal is for 4 lighting columns 8m high with luminaires at 1000W giving lux levels of 200 at the playing surface.

In respect of the skate park the proposal is for 5 lighting columns 8m high with luminaires at 240W giving lux levels of 50.

The columns proposed are tapered and galvanised with flat glass luminaries.

It is stated that the luminaries are to be limited to the darker months (September to April).

The Borough Council's comments on both applications are requested by 18 June 2010

Submission for Approval for Discharge of Other Planning Conditions

Separately from these applications KCC are seeking discharge of various planning conditions (5, 6, 7, 10, 11, 14, 18, 22, 23, 26 and 30) relating to external materials, design of ancillary buildings, external lighting to the pavilion and car park, CCTV, landscaping, boundary treatments, contamination scheme, archaeological work, foundation design, travel plan and traffic and parking management and construction code.

In respect of these matters the Borough Council is asked for its observations by 18 June 2010 and comments have been sought from a number of Council Departments.

4. Development Plan

The Development Plan comprises:-

- *The Regional Spatial Strategy, South East Plan (2009)*
- *The Gravesham Local Plan First Review (1994)*

There are a number of other un-adopted planning documents (e.g. The Gravesham Local Plan Second Review) which are of some relevance to the consideration of this planning application and which are also referred to in this section together with national planning advice and guidance.

Regional Planning Guidance

South East Plan

The Regional Spatial Strategy (RSS) for the South East of England (known as the South East Plan) sets out the long term spatial planning framework for the region over the years 2006-2026. The Plan is a key tool to help achieve more sustainable development, protect the environment and combat climate change. It provides a spatial context within which Local Development Frameworks and Local Transport Plans need to be prepared, as well as other regional and sub-regional strategies and programmes that have a bearing on land use activities. These include the regional economic and housing strategies as well as strategies and programmes that address air quality, biodiversity, climate change, education, energy, community safety, environment, health and sustainable development.

The Plan includes spatial policies for:

- the scale and distribution of new housing
- priorities for new infrastructure and economic development
- the strategy for protecting countryside, biodiversity and the built and historic environment
- tackling climate change and safeguarding natural resources, for example water and minerals

It should be noted that it has been announced by the Government that the South East Plan will be abolished but in the meantime it still remains as part of the adopted development plan.

The relevant adopted South East Plan policies are:

Policy SP5: Green Belts - The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural urban fringe.

Policy CC1: Sustainable Development - The principle objective of the Plan is to achieve and maintain sustainable development in the region.

Policy CC4: Sustainable Design and Construction - The design and construction of all new development, and the redevelopment and refurbishment of existing building stock, will be expected to adopt and incorporate sustainable construction standards and techniques.

Policy CC6: Sustainable Communities and Character of the Environment - Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.

Policy CC8: Green Infrastructure - Local Authorities and partners will work together to plan, provide and manage connected and substantial networks of accessible multi-functional green space.

Policy S1: Supporting Healthy Communities - Local development documents should embrace preventative measures to address the causes of ill health by reflecting the role the planning system can play in developing and shaping healthy sustainable communities, including community access to amenities such as parks, open spaces, physical recreation activity and cultural facilities.

Policy S5: Cultural and Sporting Activity - Increased and sustainable participation in sport and recreation should be encouraged.

Policy NRM5: Conservation and Improvement of Biodiversity - Local Planning Authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain in the region.

Policy NRM9: Air Quality - Strategies, plans, programmes and planning proposals should contribute to sustaining the current downward trend in air pollution in the region.

Policy NRM10: Noise - Measures to address and reduce noise will be developed at regional and local levels.

Policy C4: Landscape and Countryside Management - Outside nationally designated landscapes, positive and high quality management of the regions open countryside will be encouraged and supported by Local Authorities and other organisations, agencies, land managers, the private sector and local communities, through a combination of planning policies, grant aid and other measures.

Policy TSR2: Rural Tourism - Opportunities to promote tourism and recreation-based rural diversification should be encouraged where they provide jobs for local residents and are of a scale and type appropriate to their location.

Policy TSR3: Regionally Significant Sports Facilities - Opportunities will be sought to protect, upgrade and develop new regionally significant sports facilities.

Policy W2: Sustainable design, Construction and Demolition - Sustainable design, construction and demolition should be encouraged to minimise waste production.

Policy KTG7: Green Initiatives - In order to take forward the Thames Gateway Parklands aim of transforming the environment and image of the Gateway, provision should be made for green grid networks, recreation and public access, and enhancement of landscapes, habitat, heritage and the environment. Developments should be of the highest standards of design, and adopt best practice in the use of sustainable techniques.

Policy C5: Managing the Rural Urban Fringe - Local Development Documents will promote improved management to increase opportunities for access to the open countryside, the retention of attractive landscapes and enhancement of damaged ones, and conservation in areas of the rural-urban fringe easily accessible to people within the sub-region and beyond.

Local Planning Guidance

Gravesham Local Plan First Review (adopted 1994)

The Gravesham Local Plan still remains as the adopted local planning document and the written statement and proposals map will continue to have effect as the development plan pending the preparation of the Local Development Framework (LDF). A substantial number of policies of the Gravesham Local Plan First Review have been saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

The following policies are relevant:

Policy TC1: Design of New Developments - The Borough Council will not normally permit proposals for new development which cause harm to interests of

acknowledged importance. Applications will be considered in accordance with a number of design principles including the appropriateness of scale and massing, use of good quality materials, the design respecting the character and appearance of existing buildings, and safeguarding the amenity of neighbouring properties.

Policy TC7: Other Archaeological Sites - On archaeological sites where permanent preservation is not warranted, applications will normally be refused unless arrangements have been made by the developer to ensure that time and resources are available to allow satisfactory archaeological investigation and recording to take place in advance of or during development.

Policy TC10: Landscaping - The Borough Council will normally require the submission of details of the landscaping proposed and will use its powers to ensure such landscaping is implemented.

Policy GB2: Development in the Green Belt - There will be a strong presumption against permitting new development in areas subject to Green Belt policies.

Policy C1: Areas of Special Significance for Agriculture - Areas defined as 'Areas of Special Significance for Agriculture' will be subject to long term protection and Borough Councils will give priority to the needs of agriculture over other planning considerations.

Policy LT1: General Leisure Provision - Suitable facilities for formal and informal recreation will be permitted at appropriate locations in the urban area and in the villages, having regard to an identified need for such facilities and subject to compliance with other policies of the Local Plan. Suitable facilities for informal recreation and formal outdoor recreation will be permitted in the Countryside where it can be demonstrated that this would be compatible with Green Belt and Countryside Conservation Policies.

Policy LT8: Recreational Use of Public Rights of Way - The Borough Council will aim to maintain and improve the existing public rights of way network and as opportunities arise, it will seek to provide new recreational footpaths, cycleways and bridleways in the Borough.

Policy T1: Impact of development on the Highway Network - The Local Planning Authority will consider the impact on the transport system and on the environment of traffic generated by new development and would wish to ensure that all proposed developments are adequately served by the highway network.

Policy T5: New Access onto Highway Network - New accesses or intensification of accesses will not be permitted except where no danger would arise.

Policy T13: M2 Widening and A2 Improvements - Development that impedes improvements to the A2 will be resisted.

Policy T14: Channel Tunnel Rail Link - Safeguarding of the CTRL Land

Policy P3: Vehicle Parking Standards - The Borough Council will expect development to make provision for vehicle parking, in accordance with Kent County Council Vehicle Parking Standards.

Gravesham Local Plan Second Review (Deposit Version 2000):

The Gravesham Local Plan 2nd Review (Deposit Version) was adopted for the purposes of development control on 8 March 2000. The first period for public consultation ran from 8 June to 21 July 2000. With the introduction of reforms under the Planning and Compulsory Purchase Act 2004, the Borough Council resolved to suspend work on the Local Plan Second Review in November 2004 in order to concentrate on the preparation of the Gravesham Local Development Framework (GLDF).

In the interim, the Gravesham Local Plan 2nd Review (Deposit Draft) remains a material consideration in the determination of planning applications and planning and enforcement appeals, albeit that the weight which may be accorded policies therein is limited. The weight which may be accorded policies contained in the Gravesham Local Plan 2nd Review (Deposit Draft) may be increased where such policies coincide with saved policies contained in the adopted Gravesham Local Plan First Review, the approved South East Plan, and/or with current Government planning guidance.

The following policies are relevant:

Policy T1: Location of Development - In considering development proposals, the Local Planning Authority will consider the impact of the generated travel demand on the transport system as a whole, and on the environment.

Policy T5: Channel Tunnel Rail Link - Safeguarded zone for CTRL.

Policy T7: Cycling - The Borough Council will encourage the use of cycles as a means of travel for short and medium distance trips and for recreation.

Policy T8: Walking - The Borough Council will encourage the maintenance and enhancement of the network of footways, footpaths, bridleways and other public access routes throughout the urban and rural areas.

Policy T10: National Road Schemes - Safeguarding of A2 widening.

Policy T16: Car Parking Standards - Provision will be made for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards. Policy NE6 - Development on sites containing or directly adjacent to trees or hedgerows of amenity, wildlife or landscape value will only be allowed if these landscape features are protected and retained in the long term. All new proposals for new development must incorporate new landscaping as an integral part of the scheme.

Policy NE7: New Landscaping and Wildlife Enhancement Initiatives - The Borough Council will encourage the implementation of wildlife enhancement initiatives and the planting of new landscaping in suitable locations to improve the ecological resource and the appearance of the environment.

Policy NE14: Protection of Prime Quality Agricultural Land - Development will only be allowed if it does not involve the loss of the best and most versatile agricultural land.

Policy NE16: Air Quality - Development likely to result in emissions to the air, by reasons of operational characteristics or the traffic generated by it, will require

submission of details to enable a full assessment of the impacts on air quality to be carried out.

Policy NE19: Noise Generating Development - Proposals for noise generating development will require a full assessment of the impact.

Policy NE20: Artificial Lighting - Development involving the provision of external lighting will require the submission of details to demonstrate that the proposed lighting scheme is the minimum necessary for security, safety and working purposes, taking into account the design of the scheme.

Policy BE1: Townscape Conservation and Design - The Borough Council will give priority to conserving and enhancing the built environment in both the urban and rural areas.

Policy BE10: Locally Important Archaeological Sites - On archaeological sites where permanent preservation is not warranted, applications will normally be refused unless arrangements have been made by the developer to ensure that time and resources are available to allow satisfactory archaeological investigation and recording to take place in advance of or during development.

Policy BE12: Design of New Development Extensions and Alterations - A high standard of layout, design and materials will be expected for all new development. The Borough Council will not normally permit proposals for new developments which cause harm to the interests of acknowledged importance. Applications will be considered against a number of criteria.

Policy RA2: Control of Development in the Green Belt - Within the Green Belt, inappropriate development will not be permitted.

Policy LT9: New Areas of Public Open Space - Land is safeguarded for new recreational or public open space use at – land between the A2 and CTRL south of Singlewell.

Policy LT12: Improvements to the Public Rights of Way Network - Proposals to improve and extend the existing public rights of way network will be positively encouraged where they either provide a shorter or more convenient route, or improve access to the countryside.

Local Development Framework

A draft Core Strategy and Development Management Policies Development Plan Document (Regulation 25 document – Issues and Options) was considered by the Council's Cabinet in December 2009 who approved the document for the purposes of public consultation. A six week consultation period was undertaken between 28 January and 11 March 2010 to enable residents, local businesses and stakeholders to have their say in the future planning for the Borough.

It is anticipated that this will be examined by an independent Inspector appointed by the Planning Inspectorate in March 2011 for adoption in August 2011.

There are a number of core strategy and development management policies within the document of relevance to this application although it should be recognised that they will carry very little weight at this stage.

The most relevant core strategy policies are,

Core Strategy Policy 7: Green Infrastructure

Core Strategy Policy 12: Culture, Tourism and Leisure

The most relevant development management policies are,

Development Management Policy 3: Protecting Amenity

Development Management Policy 4: Design

Development Management Policy 7: Green Grid

Development Management Policy 9: Landscape

Development Management Policy 12: Countryside Access and Public Rights of Way

Planning Policy Guidance and Statements

Relevant policy guidance is contained in PPS1: Delivering Sustainable Development, PPG2: Green Belts, PPS7: Sustainable development in rural areas, PPG13: Transport, PPG17: Planning for Open Space, Sport and Recreation and PPS25: Development and Flood Risk.

5. Reason for Report

The site has been the subject of a previous report to the Regulatory Board.

6. Consultations and Publicity

Consultations

Regulatory Services, GBC (Environmental Health)

Views awaited

Kent Highways

Views awaited

Sport and Recreation Manager, GBC

As highlighted in the original comments for the original application, this department is supportive of the proposals to develop the area into a purpose built cycling/activity park for the benefit of local people, county and regions. These two further applications will enable the project to be more sustainable from both an operating and strategic perspective including the external organisational funding requirements and the national governing bodies of sport involved in the scheme.

The application regarding external lighting will enable the core activity areas to be used during the evening periods, especially for club training and social use during the darker months of the year which will impact positively on sustaining usage levels during this time of the year. The modern low spill lighting to the south of the

pavilion will enable safe use of the track facilities, MUGA/skatepark and associated amenities.

The application for major events use will attract usage from a local, regional and national perspective, which will offer local users the chance in some instances to either take part directly or be enthused/inspired by excellence level participants for the higher level regional/national held events. The use of the facility by a mixture of different styled major events will also bring in well needed income streams to the facility during weekends/holiday periods enabling the site to be sustainable from an operational perspective long term.

Publicity

Publicity to these two applications has been carried out by Kent County Council as the determining authority and not by the Borough Council.

Copies of representations that have been sent to KCC have been provided to the Borough Council.

It is noted that there have been a number of objections from local residents particularly in Kemsley Close to the lighting proposed on grounds that,

- Residents were under the impression that Activity Park should be closed at dusk
- Lighting would be intrusive
- It would cause light pollution
- It would be worse in the winter
- There should be further planting to screen the lighting if permitted

7. Service Manager, Development Management Comments

The A2 Activity Park was granted planning permission by Kent County Council in September 2009 subject to various planning conditions.

The current applications are submitted as a requirement of two of the planning conditions.

Major Events

Firstly an application has been submitted to clarify the use particularly in respect of what is proposed by major events.

The original application did indicate that there would be major events held at the core activity park at weekends. This current application provides some further details of the extent of such activities and justifies such events on the basis of extensive additional transport assessments.

The definition of a major event is as set out in the planning conditions and is considered to be:

A cycling event involving more than 100 participants and 50 spectators entering the core activity park on any one day.

The application indicates that they will be of local and regional significance in respect of cycle and BMX events and of local, regional and national significance in respect of Skateboarding events.

The application indicates that there are no proposals to increase the level of car parking in the main car park above the capacity under the existing planning permission. The main car park will provide a maximum of 337 spaces (both the tarmac car park and the overspill area) and the major event transport assessment accompanying the current application indicates that the worse case event day would generate 306 vehicles such that the intended car parking provision would be sufficient to cope with a major event scenario without leading to congestion or parking overspill elsewhere.

The original application suggested that a major weekend event would attract approximately 1106 visitors per day to the site, generating approximately 455 motor vehicle trips per day. The current information in the Major Event Transport Assessment based on 4 different major event scenarios does not materially differ from the original forecasts with the number of visitors ranging from 768 to 1097 visitors per day.

Whilst there may be some understandable concerns about the impact of major events they are important to the sustainability and viability of the scheme and promoting and encouraging the use of the Activity Park.

Conversely there is some concern at the extent of major events as now indicated. The current application indicates that major events would be 22 times a year (weekend and holiday periods). In the original planning application it was stated that there would be only a limited number and this was specified as being held 8 times a year.

The Major Event Transport Statement indicates that for the 4 different major event scenarios the frequencies are stated to be approx 8-18 days a year (for major events), 3-8 days per year (for major event weekends), 1-4 days a year (for Big Weekend 1) and 0-3 days a year (for Big Weekend 2).

Further clarification on the extent of major events is being sought from KCC and will be reported to the Board meeting.

Lighting

In respect of the proposed lighting for the activity park in the original planning application last year it was indicated that it was not proposed to light the wider park outside of the Core Activity Area but the pavilion, car parks and access would be lit. Amenity lighting would be provided around the pavilion and along the link to the activity area and the car park to provide safe passage for users of the facilities.

In addition it was indicated that the BMX area and Skate Park, as well as other facilities within the Core Activity Park would require lighting as these facilities would be in use during the evening but at that time, details of which were not indicated in the application or properly worked up.

In the report to the KCC Planning Committee on 18 August 2009 the KCC Lighting Advisor commented:

Lighting the existing combined footpath and cycleway on the north side of the development may lead to light spill affecting houses close to the boundary in Foxberry Walk, Rowmarsh Close, Templar Drive and Old Watling Street/Golf Links Avenue. In all cases the spill is likely to only affect the garden areas of the properties, not the houses or windows and is likely to have a minimal impact on the individuals involved.

The proposed lighting fittings would be located on the northern side of the footpath and either have the lamps recessed within the lanterns or be of a flat glass type such that the visual impact of the fittings would be minimal with virtually no sky glow or light spill. An optional 5 degree tilt upwards may also offer some help as the light spill would then be directed from the rear of the lantern at the lower angle, thus ensuring that there is little or no obtrusive light on the properties.

The design shows that the boundary foliage is sparse in the above areas, and consideration should be given to planting appropriate trees and shrubs to provide extra cover for the lighting.

With regard to lighting of the activities areas, the BMX and skateboarding areas would need to have good lighting in the vertical plane to avoid shadows and misrepresentation of the height and angle of objects. The light should be white or daylight coloured for optimum recognition of shapes, colours and surfaces, and have outer shields to cut out spill light and help in angling the beams. Care must be taken with this style of lighting so as not to cause discomfort or disability glare in what can be dangerous sports. In addition, localised lighting may also be required in spectator areas for safe movement in hours of darkness, possibly in the form of low level lighting that would allow the illumination of the pathways without causing distraction to the riders.

The KCC officer's report in respect of lighting stated:

Local residents have expressed concern over the impact that external lighting could have on their amenity, and the wider landscape. However, the site is sandwiched between the edge of the urban area and the new A2 corridor, both of which are lit. Therefore, I do not consider that lighting the facilities within the park would have a detrimental impact on the wider landscape as the surrounding area is already well lit at night. However, consideration must be given to the impact of lighting on the amenity of adjoining residential properties.

The applicant advises that lighting proposed for the Activity Park would be predominantly within the Core Activity Park and placed with careful consideration to local residents. The car park, access and pavilion would be lit and amenity lighting would be provided between the pavilion and the car park for the safety of the users of the facilities. The BMX area and skatepark, as well as other facilities within the Core Activity Park, would require lighting, details of which are yet to be provided. The applicant advises that lighting would be installed to meet the needs of the individual facilities only and certainly not designed to cover the whole park. All lighting, except that necessary for security, would be turned off at 10pm. In light of this, I consider that if permission is granted it would be appropriate to reserve details by condition so that the type and position of any

external lighting can be controlled to ensure any potential nuisance from light pollution can be minimised. In addition, a further condition of consent would require all lighting, apart from that associated with security, to be extinguished by 10pm, or 15 minutes after the last use of the facility should that be earlier. Lastly, the Borough Council request that the existing parks cycle/footpath and bridle way are not lit unless express permission is sought. Should permission be granted, this would form a condition of consent. Subject to these conditions, I do not consider that external lighting would have a significantly detrimental impact on the amenity of adjoining residents.

In respect of the planning conditions imposed by the KCC in respect of lighting condition 8 states,

No external lighting within the Activity Park, including the Core Activity park, should be installed, other than external lighting/security lighting of the pavilion and car parking areas (details required pursuant to condition 7); the existing cycle/footpaths and/or bridle ways shall not be lit until such time as a planning application for such lighting is submitted to and permitted by the County Planning Authority.

It was therefore known at the time when the application was submitted that the activity park would clearly need some degree of lighting for the main activities to maximise the benefit of the facility for regional use by allowing evening use and also for lighting of the supporting facilities (car parking, pavilion and access roads).

This current application seeks approval for the details of the lighting of the core activities in the Park (tarmac track, BMX track, MUGA and Skatepark) and the details of the lighting are summarised in the Proposals section of this report.

The application is supported by a significant amount of technical data including visual impact analysis and light spill diagrams. The analysis does conclude that there will be potentially visible views of the lighting but the impact would be negligible and the intensity and design of the lighting would avoid any light spillage outside of the core activity area.

Within the core activity area the lighting will be set within the proposed mounding and planting thus providing any mitigation.

The external lighting has been designed to comply with lighting levels recommended by national sports governing bodies including Sport England and British Cycling.

It is recognised and acknowledged that there will be some perceived impact from the lighting of the core activities in the Park particularly to the nearest local residents in the residential areas to the north of the Activity Park and west of the Morrisons supermarket and there will be some perceived sky glow from the lighting. It is noted that there have been a number of objections that KCC has received from local residents.

However on balance it is considered that the lighting proposed is acceptable subject to there being no alteration to the details submitted, that it is properly

installed and maintained at all times and consideration is given to any further mitigation by way of additional planting or mounding.

Separate details have been submitted to the Borough Council for its observations on the lighting of the pavilion and new parking areas in accordance with condition 7 of the KCC permission which indicates that,

Before the development hereby permitted is commenced, details of all external lighting/security lighting to the pavilion and new car parking areas, shall be submitted to and approved in writing by the County Planning Authority, and thereafter shall be implemented as approved.

That lighting has been submitted as part of the overall conditions submission package.

The pavilion is to be lit by wall mounted lights and the car park with 8m high lighting columns with flat glass lights and 6m high columns to the access road. The only lighting to the existing cycleway/footway is where this facility is realigned and runs close to or through the Activity Park car park and pavilion.

Consultation expiry date: 17.06.2010

Recommendation

That the Borough Council raise NO OBJECTION but advises the Kent County Council that,

- 1. In respect of the application clarifying the usage of the Activity Park with particular reference to major events the Borough Council seeks further clarification at the intended number of major events and the number of days per year when such events will be held as the submitted proposals appear to suggest this may be significantly more than stated in the original planning application; and also it requests that the major event travel plan and traffic and parking management initiatives are implemented from the outset;**
- 2. In respect of the application for external lighting of the core activity park the Borough Council would request that the proposed external lighting is properly installed in accordance with the manufacturers instructions to ensure that there is no stray light or glare to local residents or road users, that it is thereafter properly maintained at all times, that the need for any additional mitigation by way of planting or mounding is considered and implemented following installation and that the lighting is not subsequently altered or additional lighting installed without prior written permission.**